

**DRAFT**

**Board Meeting Minutes  
September 16 & 17, 2004**

**Board for Professional Engineers and Land Surveyors  
Hilton Los Angeles North/Glendale  
100 West Glenoaks Boulevard  
Glendale, California, 91202  
(818) 956-5466**

**Thursday September 16, 2004**

**Board Members Present:** James Foley (President), Cindy Tuttle (Vice President), Gregg Brandow, Arthur Duffy, Robert Jones, William Roschen, Millicent Safran, William Schock, Michael Welch, Dale Wilson, and Edward Yu

**Board Members Absent:** David Fruchtmann and Elizabeth Warren

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Debbie Thompson (Budget Analyst), and Cindy Fernandez (Executive Analyst)

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Foley at 9:15 a.m. Roll call was taken, and a quorum was established.

President Foley stated that Closed Session would be moved to the end of the Board meeting.

Mr. Yu arrived at 10:20 a.m.

**4. Approval of Consent Items (Possible Action)**

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

**a. Approval of the Minutes of the August 6, 2004, Board Meeting**

**MOTION:** Vice-President Tuttle/Ms. Safran moved to approve the minutes of the August 6, 2004, Board meeting.

**VOTE:** 10-0, motion carried.

**5. Public Comment**

Mr. Issa, PECG, spoke regarding the Religious Accommodation Request form. The form says that it needs to be submitted 60 days prior to the examination. He would like to see it changed from 60 days to 30 days prior to the examination.

Mr. Issa also stated that he received an e-mail from an engineer requesting that a candidate should only be charged according to the number of exams he/she is writing rather than \$275 regardless if the candidate writes only the 8-hour, the Seismic, and/or the Surveying. President Foley stated that the Board would be talking more about the Fee Structure later in the meeting.

**6. Approval of Delinquent Reinstatements (Possible Action)**

**MOTION:** Mr. Wilson/Mr. Schock moved to approve the Delinquent Reinstatements as follows:

**Chemical**

**1. Christina H. Hong**

Reinstate applicant's chemical license once she takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**Civil**

**1. Harry Richardson**

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination and pays all required delinquent renewal fees.

**VOTE:** 10-0, motion carried.

**7. Comity and Temporary Authorization Applications (Possible Action)**

**MOTION:** Vice-President Tuttle/Ms. Safran moved to approve the Amended Handout Comity List.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Schock/Mr. Duffy moved to approve an additional 180-day extension of Michael William Whitney's temporary authorization to practice civil engineering.

**VOTE:** 9-1, motion carried. Ms. Safran, nay.

**8. Standing Committee Restructuring (Possible Action)**

President Foley reported that the Board maintains four standing committees: Administrative, Enforcement, Examination/Qualifications (E/Q), and Legislation. The purpose of having standing committees is to provide a smaller forum for communication and discussion of issues for future action by the Board. However, for various reasons which include budget cuts and staffing cuts, committees have not been meeting (except for E/Q) on a regular basis.

At the last Board meeting, President Foley suggested that the Board consider eliminating the standing committees because, due to recent legislation, those Board members who are not members of the standing committee must sit out in the audience and this discourages participation from those Board members. Furthermore, it appears that the current composition of the Board is interested in the majority of issues and discussion at the Board level seems more appropriate. It was suggested that instead of having standing committees, the President appoint ad hoc committees that consist of two Board members on an as-needed basis.

The elimination of regularly scheduled E/Q Committee meetings is also recommended. Currently, the Committee meets for the sole purpose of reviewing qualifications of delinquent applicants. Prior to action by E/Q, the qualifications of delinquent applicants have been reviewed by staff and a two-person ad hoc committee consisting of the appropriately licensed Board member and public member. The majority, if not all, recommendations are approved by E/Q. The E/Q Committee should still be appointed each year because there may be a case where a Board member may request that the full Committee look at an application on an as needed basis. The Board would still be required to approve a list of those individuals whose licenses will be reinstated.

Another advantage of not holding E/Q Committee meetings at each Board meeting is that it avoids going in and out of closed session for the E/Q Committee and then having to go in and out of closed session for the Board meeting. The Board instead could hold closed session at the end of the day thereby affording the public with the opportunity to leave at the end of the day instead of having to wait around during the middle of the day. Results of closed

session would then be reported either when the Board completes closed session, for one-day Board meetings or on the following day for two-day Board meetings.

- MOTION:** Ms. Safran/Mr. Welch moved to;
- Eliminate the standing committees of Administration, Enforcement, Examination/Qualifications, and Legislation.
  - The Board President will appoint two-member Ad Hoc committees consisting of a licensee member and public member as needed (for example, Publication review; Legislation; CPR review; Sunset Review; Title Act Sunrise)
  - Hold the Closed Session portion of the Board meeting at the end of the day for a one-day meeting or at the end of the first day for a two-day meeting.
  - Direct the E.O. to review the Board's Operating Procedures to determine if any changes need to be made.

**VOTE:** 10-0, motion carried.

Ms. Christenson will check the Board's Operating Procedures and report at the November Board meeting.

## **12. Enforcement**

### **a. Update regarding Rulemaking Proposals, including but not limited to Board Rule 418 (Criteria for Rehabilitation) (Possible Action)**

Ms. Christenson reported staff is preparing the official notice for publication regarding the amendments to Board Rule 418 that the Board approved at its August meeting. It is anticipated that the proposed amendments will be noticed in October or November and the public hearing will be held in conjunction with the January Board meeting.

## **13. Legislative**

### **a. Discussion of Proposed Legislation for 2004, including but not limited to AB 320, AB 1265, AB 1826, AB 1976, SB 1547, SB 1735, and SB 1914 (Possible Action)**

Mr. Duffy reported on information in the agenda relating to this item.

### **b. Regulation Status Report**

Ms. Christenson reported on information in the agenda relating to this item.

## **14. Examination Qualifications**

### **a. Special Civil Occupational Analysis Study Update (Possible Action)**

Ms. Christenson reported that the draft questionnaire was sent out to 40 licensed civil engineers to complete and provide feedback. 31 engineers

returned the survey and feedback form. On July 29, 2004, two Subject Matter Experts (SMEs) who had participated in the committee meetings in June 2004 reviewed the feedback and made minor changes accordingly to the questionnaire. On August 25 & 26, 2004, pre-survey letters were sent to 5,000 licensed civil engineers throughout California to let them know that the survey would be sent in a couple of weeks. The final questionnaire was mailed out September 16, 2004. Board staff will do telephone follow-up if necessary to ensure adequate response rates from all counties. Staff will provide another update at the next Board meeting.

Dr. Brandow requested a background history of how and why the two Special Civil Examinations, Seismic Principles and Engineering Surveying, came into being.

Mr. Duffy stated for the record that he is opposed to eliminating the Engineering Surveying Examination.

**15. Technical Advisory Committee Reports  
(No Committee Meetings were held.)**

**a. Board Assignments to TACs (Possible Action)**

There were no Board assignments.

**b. Appointment of TAC Members (Possible Action)**

**MOTION:** Mr. Duffy/Mr. Welch moved to appoint Michael Whiteside to a second term as a member of the CE-TAC.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Welch/Mr. Schock moved to appoint Richard B. Moore, PLS; Daniel C. Moye, PLS; and Michael B. Emmons, PLS, to one-year terms and to appoint Carl R. C de Baca, PLS, and Patrick J. Tami, PLS, to two-year terms as members of the LS-TAC.

**VOTE:** 10-0, motion carried.

**c. Approval of TAC Budgets & Work Plans (Possible Action)**

**MOTION:** Mr. Duffy/Ms. Safran moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Civil Engineering TAC with the option of supplementing later if necessary.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Wilson/Vice-President Tuttle moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Electrical Engineering TAC.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Wilson/Mr. Schock moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Geotechnical Engineering TAC.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Welch/Mr. Schock moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Land Surveying TAC.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Schock/Mr. Wilson moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Mechanical Engineering TAC.

**VOTE:** 10-0, motion carried.

**MOTION:** Dr. Brandow/Mr. Schock moved to approve the work plan and budget for Fiscal Year 2004/2005 for the Structural Engineering TAC.

**VOTE:** 10-0, motion carried.

## **16. Liaison Reports (Possible Action)**

### **a. ABET**

Mr. Wilson will be attending Santa Clara University next month for an ABET visit.

### **b. NCEES**

President Foley, Dr. Brandow, and Ms. Christenson attended the NCEES Annual Meeting in Cleveland, Ohio, in August.

Ted Fairfield received the NCEES Distinguished Service Award. Ms. Christenson passed along Mr. Fairfield's appreciation to the Board for nominating him.

Dr. Brandow was elected NCEES Treasurer.

Ms. Christenson reported that California, Washington, and Illinois had recommended that NCEES develop a Structural III examination, which

would replace the California State-Specific Structural Engineering Seismic Exam. Ms. Christenson explained that NCEES must receive support letters from at least 10 Member Boards before the NCEES Board will consider the recommendation; she advised that at least 13 boards have indicated they will support the recommendation.

**c. Technical and Professional Societies**

Tom Stout advised the Board that the Council on Engineering Specialty Boards, the accrediting body for certification programs, will be holding a meeting in October. He explained that this is an attempt to address some of the conflicts between certification by organizations and licensing by the states.

**17. President's Report**

President Foley reported that he attended a California Performance Review (CPR) meeting in San Jose. The meeting he attended talked about Internet Technology and Software; President Foley stated he was impressed with the problems they discussed. He also stated that there did not seem to be much comment from the general public; just comments from various competing software companies.

President Foley advised that the next CPR meeting will be September 27, 2004, in Davis, and the subject will be State Government.

Vice President Tuttle said she has heard that the CPR meetings are causing controversy because people are saying that the public is not really being allowed to provide comments at these meetings and that only invited guests are being allowed to speak.

President Foley advised that he, Dr. Brandow, and Ms. Christenson met with Senator Liz Figueroa and Bill Gage and provided Senator Figueroa with an update on the Board's recommendations in its Sunset Review, especially regarding the Title Act Study and the Fingerprint/Criminal Records Program. Ms. Christenson explained that the Board had been advised that the State and Consumer Services Agency, which is above DCA, was going to recommend that the Governor veto the Board's Sunset bill because of the provisions in it to create the Fingerprint/Criminal Records Program, even though this would mean sunseting the Board. Ms. Christenson advised that Senator Figueroa was not pleased because she strongly supported and agreed with the Board's position that the consumers would be better protected if applicants and licensees had to submit fingerprints and have a criminal records check done; however, Senator Figueroa also agreed that it was more important to maintain the Board as a board, rather than allowing it to sunset and become a bureau, so she agreed to the Board's request to remove the provisions regarding the Fingerprint/Criminal Records Program from the Board's Sunset bill. Ms. Christenson stated that

Senator Figueroa assured them that she would help the Board in the future with legislation to create the Fingerprint/Criminal Records Program.

**18. Executive Officer's Report**

**1. Administration Report**

**a. Executive summary report**

No additional report given.

**b. State budget**

No report given.

**2. Personnel**

**a. Hiring freeze**

Ms. Christenson reported that the AEO position is still vacant and that Ms. Arnold is still the Acting AEO.

**b. Vacancies**

Ms. Christenson reported that Kristy Underwood has left the Board and is now working at the Barbering/Cosmetology Board and that Janeece Sargis is leaving State service at the end of September. Ms. Christenson also reported that Jill Blalock has been hired as a cashier and that Diane Barbosa has returned to the Board as a retired annuitant to work on the Board's Publications and will be working one day a week.

Mr. Schock asked if these vacancies could be filled or if they were frozen. Ms. Christenson explained that the new vacancies can be filled; however, the previous vacancies, especially those in the Enforcement Unit, were subject to the freeze and have been taken out of the Board's budget. President Foley asked how many positions were cut; Ms. Christenson advised that the Board lost 6 positions.

**3. Enforcement/Examination/Licensing**

**a. College Outreach**

Ms. Christenson reported that Eileen Crawford recently held an outreach at Cal Berkeley, and she said it was one of the best turn-outs she has had.

**b. Report on Enforcement Activities**

Ms. Christenson reported that Ms. Fernandez has been helping out in the Enforcement Unit because of the backlog of cases caused by the hiring freeze/State budget constraints.



Ms. Christenson also reported that Nancy Eissler's mother has been ill and Ms. Eissler will be working half days until further notice.

**c. Report on Examination Activities**

Ms. Christenson reported that there are 1 ½ vacancies in the Examination Unit and that they are in the process of trying to fill the vacancies.

**4. Publications/Website**

**a. Website Activity Statistics**

No report given.

**5. CPR Forums and Report - Status**

No additional report given.

**6. Other**

**a. DCA update**

Ms. Christenson reported that a new Deputy Director for Board Relations has been appointed.

Ms. Christenson advised that September 27, 2004, is the deadline for the Governor to veto the bill regarding the Board's Sunset.

**19. Approval of Board Travel (Possible Action)**

No Board travel.

**2. Closed Session**

The Board went into closed session at 11:00 a.m.

**3. Open Session to Announce the Results of Closed Session**

Ms. Christenson reported that the Board adopted the results of the take-home examinations for the candidates who had previously passed the 8-hour portions of the required examinations.

Ms. Christenson reported that the Board adopted the Stipulation regarding Joseph Eric Odencrantz.

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492.

Ms. Christenson reported that the Board discussed releasing a portion of a problem from the April 2004 PLS examination.

4. **Approval of Consent Items (Possible Action)**  
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- b. **Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

**MOTION:** Vice-President Tuttle/Ms. Safran moved to approve candidates for licensure and certification based on examination results, including successful appeal results and take home examination results, approved in closed session.

**VOTE:** 11-0, motion carried.

12. **Enforcement**

- b. **Disclosure of Disciplinary Actions on the Board's Website (Possible Action)**

Ms. Christenson explained that the Board received a request to change its policy of maintaining information about past disciplinary actions on its website. The attorney, Jennifer Rothman, who submitted this request on behalf of her client, Kenneth Obenski, distributed a letter to the Board and made a presentation regarding this request.

Ms. Rothman gave a brief background of the underlying reasons for the disciplinary action taken by the Board against Mr. Obenski's Mechanical Engineer license. She explained that she thinks it is unfair to her client to continue reporting this on the Board's website 10 years after the disciplinary action. Ms. Rothman stated that the Board did not have a website at the time her client had entered into the stipulated settlement agreement regarding the disciplinary action and if he had known of this, he probably would not have agreed to the terms. She requested that the Board immediately remove the website posting regarding the disciplinary action taken against Mr. Obenski. She also requested that the Board consider changing its policy so that articles about disciplinary actions are only posted on the website for a set period of time. Ms. Rothman advised that they understood the disciplinary action would always be a matter of public record and part of Mr. Obenski's license history; what they object to is the summary being posted on the Board's website so that the disciplinary action comes up whenever someone Googles Mr. Obenski's name or company. Ms. Rothman also stated that there should be a method in which the respondent can question or comment on the

summary of the disciplinary action. Ms. Rothman also claimed that the summary on the Board's website was incorrect and misleading because it did not state that Mr. Obenski did not admit to any of the charges and allegations, even though she admitted that the wording in the summary is the exact language from the stipulated agreement.

Mr. Duke explained that it is part of the Board's current Disclosure Policy to post brief summaries/articles about disciplinary actions on its website so that consumers can determine if a licensee they are considering hiring has been previously disciplined by the Board. These disciplinary articles are posted on the website once the decision has become final and effective. It has been the policy not to remove the articles from the website even when the licensee has completed the probation because the Board believes that the consumers should be able to obtain information about previous disciplinary actions. Even if the articles were removed from the Board's website after a certain period of time, the disciplinary action would still be a matter of public record and would be disclosed upon verbal or written request. Mr. Duke also explained that the same articles are published in the Board's newsletter. Mr. Duke advised that the articles are drafted by staff based on the information contained in the decision and the accusation; he then reviews the articles for legal accuracy before they are published or posted.

Dr. Brandow asked Mr. Duke if there was a more formal process by which the respondents could question or challenge the information posted about their disciplinary actions or if writing to the Board or appearing before the Board was the process. Mr. Duke advised that the Board often receives letters from the respondents challenging the information contained in the disciplinary action summary. He explained that he and Board staff review the information from the respondent, the information in the summary, and the information in the decision to determine if there is any misinformation in the summary. Mr. Duke stated that the summaries are very rarely changed.

President Foley asked if it would be possible to post the entire decision as a .pdf file on the Board's website. Mr. Duke advised that it would be technically possible, but it might not be feasible. Richard Markuson, representing CELSOC, expressed concern with posting the entire decision because many consumers would have a difficult time understanding the legal terminology and legal aspects of it.

Ms. Tuttle stated that she believes the Board has the responsibility to keep the public informed and should use whatever tools are available, but she has concerns with the length of time the articles remain on the website. Mr. Roschen stated that the internet is a powerful tool and it needs to be more fully integrated into the Board's Disclosure Policy.

Mr. Duffy expressed concerns with posting summaries of settlements in which there were no findings or admissions of guilt. Mr. Jones expressed concerns with keeping the summary on the website after the person has paid his dues and served his time.

Ms. Ruff reminded the Board that the purpose of license discipline is different from the purpose of criminal actions and punishment; the purpose of license discipline is to protect the public, it is not to have someone pay his debt to society and serve his time. One of the ways the Board protects the public is to disseminate information so that the public can make informed decisions.

Ms. Safran recommended that staff be directed to do more research on this issue and to bring the information, along with recommendations, to the next Board meeting. President Foley stated that he did not believe the Board should take any action regarding removing the summary about Mr. Obenski's disciplinary action without further review by the Board's attorneys and staff because it could set a precedent of everyone coming to the Board and asking for their article to be removed; he stated that the Board should establish an overall policy regarding what is posted and for how long.

President Foley directed staff to provide information to the Board at its next meeting regarding how long the Board has been posting disciplinary actions on its website and to provide the Board with recommendations regarding possible changes to the Board's Disclosure Policy at the next meeting.

Mr. Markuson, representing CELSOC, stated that he wants to applaud the Board for the discussion on this item. He stated that this is a very good example of why the Board is needed, rather than a bureau.

## **11. Administrative**

### **a. Fund Condition (Possible Action)**

Ms. Thompson reported on the fund condition dated August 25, 2004. Application revenue projections for FY 2004-05 to 2008-09 have been updated based on an analysis of the actual revenue received in FY 2003-04. For FY 2003-04, revenue, expenditures, interest and reimbursement amounts have been adjusted from projections to the actual year-end amounts. The Enforcement Position BCP of \$360,000 beginning FY 2005-06 was also added. A deficit is now projected for FY 2006-07.

### **b. FY 2003/04 Year- End Expenditure & 2004/05 Budgets (Possible Action)**

Ms. Thompson reported that the total year-end expenditure for FY 2003-04 was \$7,025,120 with a budget balance of \$163,298.

For FY 2004-05, the expenditure projection is \$7,192,755 with a balance of \$162,245 in excess budgeted funds available after projected expenditures. The increase in expenditures for this FY as compared to last is a result of the NCEES exam fee grading increase of \$30 for professional engineers and \$20 for land surveyors.

**c. FY 2005-06 Budget Change Proposals**

**1. Enforcement Analyst Positions (Possible Action)**

Ms. Thompson reported that Board staff should be informed regarding Department of Finance decision on the BCP no later than November 2004.

**d. Publication Review**

Mr. Schock and Mr. Welch were appointed at the last Board meeting to a subcommittee to review the City and County Building Officials Guide. Mr. Schock reported that they are waiting for clarification on some items included in the publication before it can be updated. Also, statutes referred to in the Building Guide will change due to proposed regulatory changes not yet finalized (i.e., responsible charge regulations).

Ms. Thompson reported that Board staff was informed that a contract at \$5,000 or below could be initiated for the purposed of updating the design of the Bulletin. However, the Board must obtain three bids and select the lowest for such a contract.

**e. Pass Through of Exam Application Fees (Possible Action)**

Ms. Thompson reviewed the benefits of the proposed pass through of exam application fees to NCEES for NCEES exams. Pass through of the fees to NCEES would enable the Board to offer the NCEES Land Surveyor and Structural II exam twice each year instead of once. Ms. Thompson also reviewed three fee structure options available to the Board. All three options are based on the Fiscal Year 2003-04 exam population and actual costs for each of the 20 exams offered by the Board. The only feasible option to accomplish the pass through is to pull out of the existing \$275 application fee the NCEES fees which the applications would then pay to NCEES in addition to their \$25 NCEES application processing fee. This leaves \$145 that the applicants would continue to pay to the Board for the costs of Board staff reviewing and processing applications as well as administering the exams.

Dr. Brandow questioned how we could switch to two exams. Ms. Christenson indicated that switching to two exams was one of the two reasons the Board decided to look into the idea of passing through exam

fees to NCEES. With the NCEES grading costs no longer the responsibility of the Board, it could afford two exam administrations a year for the Land Surveyor and the Structural II national exams. The second reason the Board was interested in the pass through was because the exam population spiked and increased costs.

President Foley also expressed his concerns that if the Board became a bureau, its funds could be used to underwrite other Boards costs. Ms. Thompson stated that without a plan to bring in additional funds, the Board will not be able to obtain funds from its reserve through BCPs including the Enforcement BCP. Department of Finance will not approve use of the reserve funds if projections show a future deficit.

Ms. Christenson stated that DCA has indicated they are opposed to any sort of fee increases and this would be considered an increase. Ms. Christenson will find out if DCA would approve the concept of the renewal fee increase before Board staff moves forward with the proposal.

**Friday September 17, 2004**

**Board Members Present:** James Foley (President), Cindy Tuttle (Vice President), Arthur Duffy, David Fruchtman, Robert Jones, William Roschen, Millicent Safran, William Schock, Elizabeth Warren, Michael Welch, Dale Wilson, and Edward Yu

**Board Members Absent:** Gregg Brandow

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), and Cindy Fernandez (Executive Analyst)

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Foley at 9:25 a.m. Roll call was taken, and a quorum was established.

**9. Adoption of Proposed Amendments to Board Rules 404.1 and 404.2 (Responsible Charge) (Possible Action)**

**NOTE: This item will be discussed on Friday, September 17, 2004, following the public hearing.**

Ms. Christenson reported that this item will be tabled until the November 2004 Board meeting.

**10. Adoption of Proposed Amendments to Board Rule 473 (Citations of Licensed Persons) (Possible Action)**

**NOTE: This item will be discussed on Friday, September 17, 2004, following the public hearing.**

Ms. Christenson reported that this item will be tabled until the November 2004 Board meeting.

**7. Comity and Temporary Authorization Applications (Possible Action)**

Donald Olmstead detailed his experience and the work he will be doing on the project for which he is requesting temporary authorization to practice civil engineering.

President Foley asked Mr. Olmstead why he needed a Temporary Authorization for this project because the work does not seem to rise to the level of

professional engineering. Mr. Olmstead advised that the City and County of San Francisco requires a professional engineer to do the work.

President Foley stated that he believed Mr. Olmstead was qualified, based on his experience, to be granted a temporary authorization to practice civil engineering.

**MOTION:** Ms. Safran/Mr. Jones moved to grant Donald Olmstead a 180-day Temporary Authorization to practice civil engineering.

After lengthy discussion, a **MOTION TO CALL THE QUESTION** was made by Mr. Jones and seconded by Ms. Safran.

**VOTE on motion to call the question:** 8-4, motion carried. Mr. Duffy, Mr. Roschen, Mr. Schock, and Mr. Wilson, nay.

**VOTE on original motion:** 9-1-2, motion carried. Mr. Roschen, nay. Mr. Fruchtman and Mr. Wilson abstained.

President Foley directed staff to place an item on a future agenda regarding design/build, "commissioning," and construction management and how they relate to the Professional Engineers Act.

**20. Other Items Not Requiring Board Action**

**a. Date of next Board meeting: Wednesday, November 10, 2004, Sacramento, California**

Ms. Christenson reported that there will be a Petition for Reinstatement of Revoked License hearing in conjunction with the November Board meeting and two petition hearings in conjunction with the January 2005 Board meeting.

**21. Adjourn**

The Board adjourned at 10:45 a.m.



## **PUBLIC PRESENT**

Carl C deBaca, CLSA  
Saad Issa, PEGG  
Richard Markuson, CELSOC  
Tom Stout, CSPE/CLCPE  
Jerry Lehmer, SEAOSC  
Don Olmstead, AMEC